

Mississippi Secretary of State  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Division of Medicaid		CONTACT PERSON Kristi Plotner		TELEPHONE NUMBER 601-359-6698	
ADDRESS 550 High Street, Suite 100		CITY Jackson		STATE MS	ZIP 39201
EMAIL Kristi.Plotner@medicaid.ms.gov	SUBMIT DATE 11/01/2012	Name or number of rule(s): Administrative Code Title 23: Division of Medicaid Part 208 Home and Community Based Services, Long Term Care, Chapter 2: HCBS Independent Living Waiver			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The MS Division of Medicaid's Administrative Code filing is to modify Title 23, Part 208, Chapter 2: Home and Community Based Service (HCBS) Independent Living Waiver (ILW) to clearly reflect changes in the approved Independent Living Waiver approved by The Centers of Medicare and Medicaid effective July 1, 2012.

Specific legal authority authorizing the promulgation of rule: MS Code § 43-13-121, MS Code 43-13-107

List all rules repealed, amended, or suspended by the proposed rule: Title 23, Part 208, Chapter 2: HCBS ILW

**ORAL PROCEEDING:**

☐ An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


**ECONOMIC IMPACT STATEMENT:**

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing <input checked="" type="checkbox"/> Other (specify): <u>January 01, 2013</u>	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: David J. Dziefak, Ph.D., Executive Director

Signature of person authorized to file rules: [Signature]

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by <u>[Signature]</u>	<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN  
*Secretary of State*

### CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME MS Division of Medicaid	CONTACT PERSON Kristi Plotner		TELEPHONE NUMBER 601-359-6698
ADDRESS 550 High Street, Suite 1000	CITY Jackson	STATE MS	ZIP 39201
EMAIL Kristi.Plotner@medicaid.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Title 23: Medicaid Part 208, Chapter 2: Home and Community Based Services, Long Term Care, Independent Living Waiver		
Specific Legal Authority Authorizing the promulgation of Rule: MS Code § 43-13-121, MS Code 43-13-107	Reference to Rules repealed, amended or suspended by the Proposed Rule: Title 23, Part 208, Chapter 2: HCBS ILW		

#### A. Estimated Costs and Benefits

- Briefly summarize the benefits that may result from this regulation and who will benefit: The Division of Medicaid believes these regulations will be beneficial to the wellbeing of our waiver participants as well as provide instruction and guidance for waiver care providers. These regulations support the Independent Living Waiver which provides alternatives to institutional nursing facility care by providing a means for supporting waiver participant's ability to reside in the home and community.
- Briefly describe the need for the proposed rule: House Bill 421 in the 2012 Legislative Session authorized the MS Division of Medicaid (DOM) to apply for necessary federal waivers to assure the additional services providing alternatives to nursing facility care are made available to applicants for nursing facility care.
- Briefly describe the effect the proposed action will have on the public health, safety, and welfare: These regulations will support improved quality of health care delivery and particularly in the area of health, safety and welfare by providing a process of intervening and preventing abuse, neglect and exploitation.
- Estimated Cost of implementing proposed action:
  - To the agency  
☐ Nothing   ☐ Minimal   ☒ Moderate   ☐ Substantial   ☐ Excessive
  - To other state or local government entities  
☐ Nothing   ☐ Minimal   ☒ Moderate   ☐ Substantial   ☐ Excessive
- Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
  - Cost:  
☐ Nothing   ☐ Minimal   ☒ Moderate   ☐ Substantial   ☐ Excessive

b. Economic Benefit:

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

a. Estimate of the number of small businesses subject to the proposed regulation:

b. Projected costs for small businesses to comply:

c. Statement of probable effect on impacted small businesses:

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than

☒ the same as ☐ minimally more than ☐ moderately more than

☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than

☐ the same as ☐ minimally more than ☐ moderately more than

☒ substantially more than ☐ excessively more than

---

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

---

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. The data and methodology used in making these estimates is derived from the information contained in the Independent Living Waiver which calculated the Medicaid expenditures for each waiver participant receiving care through the waiver as compared to the costs for caring for the individual in an institutional setting.

---

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and demand an oral proceeding on the proposed rule if one is not already provided?

Written comments will be received by the Division of Medicaid, Office of the Governor, Walter Sillers Building, Suite 1000, 550 High Street, Jackson, MS 39201, thirty (30) days from the date of publication of public notice. All comments will be available for public review at the above address.

---

SIGNATURE

TITLE

Executive Director

DATE

PROPOSED EFFECTIVE DATE OF RULE

January 01, 2013